

## REMARKS

The Application has been carefully reviewed in light of the Office Action mailed October 18, 2005. Claims 33, 35, 41, 43, 69 and 70 remain pending in this patent application. Claims 1-32, 34, 36-40, 42 and 44-68 have been withdrawn without prejudice. Claims 33 and 41 are being amended. No new matter is being introduced.

Reconsideration and allowance of all pending claims are respectfully requested in view of the amendments and following remarks.

### **Rejections Under 35 U.S.C. § 102:**

Claims 33, 35, 41, and 43 stand rejected under 35 U.S.C. 102(b) as being anticipated over U.S. Patent No. 6,017,693 to Yates, III et al. (“Yates”). Reconsideration and favorable action are requested.

With regard to independent claim 33, Applicant’s claimed invention is directed to a “method for processing mass spectrometry data … comprising: receiving a request to perform an operation utilizing … transformed data resulting from a transformation of raw data generated by a mass spectrometer, the transformed data having a hierarchical data format for use at multiple resolutions; … producing a transformed dataset at the selected resolution …; and performing the requested operation … at the selected resolution …” Applicant’s claimed invention, as amended, performs a transformation from a first space to a second space and performs operations on the transformed data (support for the amendments are found on page 7, line 21 – page 9, line 18 and other locations throughout the originally filed application). By performing the transformation, properties of the transformed data in the second space can be utilized for performing operations.

Yates, III et al. (“Yates”) is directed to a method for correlating a peptide fragment mass spectrum with amino acid sequences derived from a database. In correlating the peptide fragment mass spectrum with amino acid sequences, Yates describes a system that acquires data using a mass spectrometer and annotating the raw data in performing certain functions (FIGS. 6A-6E). For example, Yates uses the raw data to search for and tag peaks or masses to identify proteins and/or peptides (FIG. 6A). Because Yates tags features/structures in the original space (i.e., does not use properties of any transformed space), Yates’ retrieval and resolution depends on the mass-tagging in

the original space. Yates does not teach performing a “transformation from a first space to a second space and perform[ing] operations on the transformed data.” Therefore, Yates does not anticipate Applicant’s amended claimed invention. Accordingly, Applicant respectfully requests that the rejection of claim 33 under 35 U.S.C. 102(b) be withdrawn.

Claim 35 depends from independent claim 33 and should be allowable for at least the same reasons.

Independent claim 41 is a system claim having similar limitations as amended independent claim 33 (i.e., “transformation from a first space to a second space of raw data generated by a mass spectrometer”). Accordingly, claim 41 should be allowable for at least the same reasons as claim 33.

Claim 43 depends from independent claim 41 and should be allowable for at least the same reasons.

**Rejections Under 35 U.S.C. § 103:**

Claims 69 and 70 stand rejected under 35 U.S.C. 103(a) as being anticipated over U.S. Patent No. 6,017,693 to Yates, III et al. (“Yates”), in view of U.S. Patent No. 5,885,841 to Higgs, Jr., et al. (“Higgs”). Reconsideration and favorable action are requested.

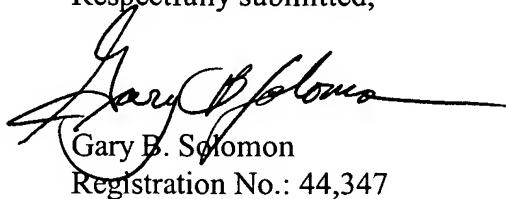
Higgs is directed to a system for qualitatively comparing complex admixtures using single ion chromatograms derived from spectroscopic analysis of such mixtures. Higgs utilizes a discrete wavelet transform for processing to remove noise as is generally described in Col. 17, lines, 42-54. However, Higgs does not describe “performing a transformation from a first space to a second space of raw data generated by a mass spectrometer,” as recited in amended independent claims 33 and 41. Because neither Yates nor Higgs describes or suggests “performing a transformation from a first space to a second space”, the combination of Higgs and Yates does not suggest Applicant’s amended independent claims 33 or 41. Because claims 69 and 70 depend from independent claims 33 and 41, respectively, claims 69 and 70 should be allowable over the art of record.

## CONCLUSION

For at least the foregoing reasons, Applicant respectfully requests reconsideration and favorable action. To expedite prosecution, Applicant requests an Examiner Interview prior to examination of this Preliminary Amendment.

Applicant believes that no fee is due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,



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